

### COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on October 11, 2007. At the time the Examiner mailed the Office Action claims 1-41 were pending. By way of the present response the Applicants have: 1) amended claims 2, 4, 10, 11, 13-15, 17, 18, 23, 24, 26, 27, 30, 32, 38, 39 and 41; 2) added no new claims; and 3) canceled no claims. As such, claims 1-41 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

### Information Disclosure Statement

On page 2 of the Office Action, the Information Disclosure Statement reference, Jonathan Davies, et al., "Proceedings of the 2nd international conference on "An Aspect Oriented Performance Analysis Environment", 10 pgs., 2003, Boston, Massachusetts March 17-21, 2003, has not been considered because no copy was received by the Examiner. Applicant submits an Information Disclosure Statement including the Davies reference.

### Drawing Objections

The drawings are objected to because they fail to comply with 37 CFR 1.84 (l), (m), (p)(3). Figures 6B, 9A-9E, 15B, and 19B-19E have been amended and are being submitted herewith as Replacement Sheets.

### 35 U.S.C. 101 Rejections

In the Office Action, Claims 14-41 were rejected under 35 U.S.C. 101. Specifically, Claims 14-28 were rejected because they “appear to merely set forth functional descriptive material per se, which is non-statutory” and Claims 29-41 were rejected “as embracing propagation media including data signals embodied in a carrier wave.”

Claims 14-28 have been amended to claim a computer system comprising a memory for storing program code and a processor for processing the program code to perform a series of operations. The operations correspond to the operations performed by method Claim 1. Accordingly, Applicant respectfully submit that the rejections to Claims 14-28 have been overcome.

In addition, the language related to data signals embodied in a carrier wave has been removed from the specification. As such, Applicant respectfully submits that the rejections to Claim 29-41 have also been overcome.

### 35 U.S.C. 112 Rejections

Claims 2-4, 10, 11, 13, 15-17, 23, 24, 26, 30-32, 38, 39 and 41 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. While Applicants do not necessarily agree with the Examiner (a search on the USPO Website reveals 1803 patents with Java in the claims) Applicants have nonetheless removed terms identified by the Examiner such as “Java” from the

claims. As such, Applicants respectfully submit that the rejection under 35 U.S.C. 112 have been overcome.

#### 35 U.S.C. 102(e) Rejections

Claims 1, 5-9, 14, 18-22, 27-29 and 33-37 stand rejected under 35 U.S.C. 102(e) as being anticipated by Berry, et al., U.S. Patent 6,662,359 (hereinafter "Berry") and Claims 12, 25 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Berry and Desai, U.S. Patent 6,857,119 (hereinafter "Desai").

Among other things, the Office Action states that Berry discloses a method for tracing services on an application server comprising: identifying a group of services executed on an application server; and for each service in the group, identifying a group of entry and/or exit methods representing entry and exit points to and from service to be traced. Applicants respectfully disagree with this interpretation of Berry. The portions of Berry identified as containing these features read, in pertinent part:

FIG. 5 illustrates the steps of transforming the class file components and then reconstructing the class file, specifically for the purpose of adding performance instrumentation code at the entry and exit of every method contained in the class file. Berry, col. 5, lines 59-63 (emphasis added).

. . . Selective instrumentation is possible if only some of the methods are to be instrumented. In the described embodiment, an inclusion/exclusion list is used to specify which methods are to be instrumented. (Berry, col. 7, lines 5-6).

Thus, Berry discloses that different methods (or all methods) may be selected for tracing using an inclusion/exclusion list. However, Berry does not disclose or suggest identifying a group of services to be traced and identifying a group of entry

and/or exit methods representing entry and exit points to and from each service, as claimed in the present application. Berry does mention any particular type of functional module to be selected for tracing. It merely states that an inclusion/exclusion list may be used to select specific methods.

Accordingly, because Berry does not disclose or suggest features claimed in the present application, Applicants respectfully submit that independent claims 1, 14 and 29 are allowable in light of Berry. Because dependent claims 2-13, 15-28, and 30-41 include these same limitations, Applicants submit that all claims are also in condition for allowance.

### **CONCLUSION**

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Thomas C. Webster at (408) 720-8300.

Respectfully submitted,

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